

5-0389
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
X
MAERSK LINE,

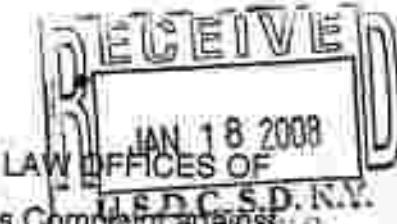
Plaintiff,

- against -

ADMIRAL OVERSEAS SHIPPING
CO., INC.,

Defendant.

CIVIL COMPLAINT
IN ADMIRALTY



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant ADMIRAL OVERSEAS SHIPPING CO., INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq.
2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.
3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.
4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.
5. Thereafter, the goods were carried to the ports of destination and delivered to the defendant and/or its agents.

7. Defendant has failed and refused and continues to fail and refuse to
remit payment of \$180,333.33, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the
amount of \$180,333.33 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with
interest thereon, costs, disbursements and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this
Court in cases of admiralty and maritime jurisdiction may issue against the defendant
citing it to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in
law and justice it may be entitled to receive.

Dated: New York, New York
January 32, 2007

10/

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By


Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

I. Defendant's status & address:

A. Upon information and belief and at all times hereinafter mentioned, defendant ADMIRAL OVERSEAS SHIPPING CO., INC. was and still is a corporation organized and existing under the laws of the State of North Carolina, with offices and a place of business at 323 S. Swing St., Greensboro, NC 27409.

3. Details of shipment(s):

1. Bill of Lading No. 528761537, dated March 30, 2007, from Shanghai to Salt Lake City on the Vessel SL CHARGER, one (1) forty-foot Hi-Cube at the applicable tariff and/or Service Contract rate of \$3,286.00 (Exhibit A).

2. Bill of Lading No. 521766310, dated April 12, 2007, from Ho Chi Minh, Vietnam to Tacoma on the Vessel MEKONG CAYENNE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contact rate of \$2,141.00 (Exhibit B).

3. Bill of Lading No. 512416135, dated April 17, 2007, from Jakarta to Miami on the Vessel **SL CHAMPION**, one (1) forty-foot Hi-Cube at the applicable tariff and/or Service Contract rate of \$2,835.11 (Exhibit C).

4. Bill of Lading No. 523134158, dated May 18, 2007, from Ho Chi Minh City to Memphis via Tacoma on the Vessel MEKONG CAYENNE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN SOFA CHAIR AND SOFA LEGS, at the applicable tariff and/or Service Contract rate of \$3,602.00 (Exhibit D).

Amount Paid: \$0

Amount Due: \$3,602.00

5. Bill of Lading No. 523135568, dated May 20, 2007, from Ho Chi Minh City to Tacoma on the Vessel CAPE FRANKLIN, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contract rate of \$2,141.00 (Exhibit E).

Amount Paid: \$0

Amount Due: \$2,141.00

6. Bill of Lading No. 854560340, dated June 8, 2007, from Yantian to Tacoma on the Vessel HAI LONG HAO, one (1) forty-foot Hi-Cube SAID TO CONTAIN: LEATHER SOFA SETS, at the applicable tariff and/or Service Contract rate of \$1,691.00 (Exhibit F).

Amount Paid: \$0

Amount Due: \$1,691.00

7. Bill of Lading No. 800318288, dated May 16, 2007, from Jakarta to Miami on the Vessel SAFMARINE ORANJE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: LOOM RATTAN CHAIRS, at the applicable tariff and/or Service Contract rate of \$3,393.12 (Exhibit G).

Amount Paid: \$0

Amount Due: \$3,393.12

Tacoma on the Vessel MAERSK DRISCOLL, one-half (1/2) of one forty-foot Hi-Cube SAID TO CONTAIN: HOUSEHOLD UPHOLSTERY FURNITURE, at the applicable tariff and/or Service Contract rate of \$895.00 (Exhibit H).

9. Bill of Lading No. 528761749, dated June 13, 2007, from Shanghai to Tacoma on the Vessel MAERSK DRISCOLL, one-half (1/2) of one forty-foot Hi-Cube SAID TO CONTAIN: HOUSEHOLD UPHOLSTERY FURNITURE, at the applicable tariff and/or Service Contract rate of \$895.00 (Exhibit I).

10. Bill of Lading No. 800368132, dated June 12, 2007, from Ningbo to San Antonio via Los Angeles on the Vessel SL LIGHTENING, one (1) forty-foot HI-Cube SAID TO CONTAIN: WIRE HANGERS & WOOD PACKAGING MATERIALS, at the applicable tariff and/or Service Contract rate of \$3,611.00 (Exhibit J).

11. Bill of Lading No. 854517898, dated June 6, 2007, from Yantian to Norfolk on the Vessel GREENWICH MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: SPORTS PARTS, at the applicable tariff and/or Service Contract rate of \$3,344.00 (Exhibit K).

City to Memphis on the Vessels CAPE FLINT and MAERSK KLAIPEDA, one (1)

forty-foot Hi-Cube at the applicable tariff and/or Service Contract rate of \$3,966.00 (Exhibit L).

13. Bill of Lading No. 854650376, dated June 16, 2007, from Qingdao to Memphis via Los Angeles on the Vessel MAERSK BENTONVILLE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: PLYWOOD, at the applicable tariff and/or Service Contract rate of \$3,591.00 (Exhibit M).

14. Bill of Lading No. 854676828, dated June 13, 2007, from Yantian to Norfolk on the Vessel MAERSK GARONNE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: SPORT PARTS, at the applicable tariff and/or Service Contract rate of \$3,038.00 (Exhibit N).

15. Bill of Lading No. 800353140, dated May 21, 2007, from Surabaya to Miami on the Vessel EVER ALLY, one (1) twenty-foot container **SAID TO CONTAIN: FURNITURE AND HANDICRAFTS**, at the applicable tariff and/or Service Contract rate of \$2,555.72 (Exhibit O).

16. Bill of Lading No. 570706614, dated June 29, 2007, from Ningbo to San Antonio via Los Angeles on the Vessel SL INTREPID, one (1) forty-foot Hi-Cube SAID TO CONTAIN: PAPER TUBES, at the applicable tariff and/or Service Contract rate of \$3,611.00 (Exhibit P).

Amount Paid: \$0	Amount Due: \$3,611.00
------------------	------------------------

17. Bill of Lading No. 528761855, dated June 25, 2007, from Shanghai to Memphis via Los Angeles on the Vessel SL INTREPID, eight (8) forty-foot Hi-Cubes SAID TO CONTAIN: UPHOLSTERY FURNITURE COVERS, et al., at the applicable tariff and/or Service Contract rate of \$28,920.00 (Exhibit Q).

Amount Paid: \$0	Amount Due: \$28,920.00
------------------	-------------------------

18. Bill of Lading No. 523345305, dated July 3, 2007, from Yantian to Phoenix via Los Angeles on the Vessel MAERSK KARACHI, one (1) forty-foot Hi-Cube SAID TO CONTAIN: FURNITURE, at the applicable tariff and/or Service Contract rate of \$2,650.00 (Exhibit R).

Amount Paid: \$0	Amount Due: \$2,650.00
------------------	------------------------

19. Bill of Lading No. 523345301, dated July 10, 2007, from Yantian to Los Angeles on the Vessel MAERSK KARACHI, two (2) forty-foot Hi-Cubes at the applicable tariff and/or Service Contract rate of \$6,782.00 (Exhibit S).

Amount Paid: \$0	Amount Due: \$6,782.00
------------------	------------------------

20. Bill of Lading No. 800368135, dated June 15, 2007, from Ningbo to Miami on the Vessel EMMA MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WIRE HANGERS, et al., at the applicable tariff and/or Service Contract rate of \$3,078.80 (Exhibit T).

21. Bill of Lading No. 528761904, dated July 5, 2007, from Shanghai to Memphis via Los Angeles on the Vessel SL CHARGER, five (5) forty-foot HI-Cubes SAID TO CONTAIN: UPHOLSTERY FURNITURE COVERS, et al., at the applicable tariff and/or Service Contract rate of \$18,075.00 (Exhibit U).

22. Bill of Lading No. 570706434, dated June 14, 2007, from Ningbo to Newark on the Vessel EMMA MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WIRE HANGERS, at the applicable tariff and/or Service Contract rate of \$3,238.00 (Exhibit V).

Amount Paid: \$0 Amount Due: \$3,238.00

23. Bill of Lading No. 854716372, dated July 6, 2007, from Qingdao to Memphis via Los Angeles on the Vessel MAERSK BROOKLYN, one (1) forty-foot Hi-Cube SAID TO CONTAIN: PLYWOOD, at the applicable tariff and/or Service Contract rate of \$3,591.00 (Exhibit W).

Amount Paid: \$0 Amount Due: \$3,591.00

24. Bill of Lading No. 854740725, dated July 9, 2007, from Yantian to Los Angeles on the Vessel REGINA MAERSK, one (1) forty-foot Hi-Cubes SAID TO CONTAIN: FURNITURE, at the applicable tariff and/or Service Contract rate of \$1,640.00 (Exhibit X).

Amount Due: \$1,640.00

25. Bill of Lading No. 570706427, dated June 14, 2007, from Ningbo to Norfolk on the Vessel EMMA MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WIRE HANGERS, at the applicable tariff and/or Service Contract rate of \$3,038.00 (Exhibit Y).

Amount Due: \$3,038.00

26. Bill of Lading No. 800368134, dated June 13, 2007, from Ningbo to Norfolk on the Vessel KIRSTEN MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WIRE HANGERS, at the applicable tariff and/or Service Contract rate of \$3,038.00 (Exhibit Z).

Amount Due: \$3,038.00

27. Bill of Lading No. 854613821, dated June 27, 2007, from Yantian to Norfolk on the Vessel AMERSK MANRAKI, one (1) forty-foot Hi-Cube SAID TO CONTAIN: SPORT PARTS, at the applicable tariff and/or Service Contract rate of \$3,038.00 (Exhibit 2A).

28. Bill of Lading No. 551689392, dated July 11, 2007, from Ningbo to San Antonio via Los Angeles on the Vessel SL METEOR, one (1) forty-foot Hi-Cube
SAID TO CONTAIN: PAPER TUBES, at the applicable tariff and/or Service
Contract rate of \$3,836.00 (Exhibit 2B).

Amount Due: \$3,836.00

29. Bill of Lading No. 854732177, dated July 11, 2007, from Qingdao to Memphis via Los Angeles on the Vessel JERVIS BAY, one (1) forty-foot Hi-Cube SAID TO CONTAIN: PLYWOOD, at the applicable tariff and/or Service Contract rate of \$3,816.00 (Exhibit 2C).

Amount Due: \$3,816.00

30. Bill of Lading No. 523427269, dated July 24, 2007, from Ho Chi Minh City to Memphis via Los Angeles on the Vessel MEKONG CHAIYO, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN SOFA LEGS, at the applicable tariff and/or Service Contract rate of \$4,016.00 (Exhibit 2D).

Amount Due: \$4,016.00

31. Bill of Lading No. 854653822, dated June 26, 2007, from Yantian to Norfolk on the Vessel MAERSK DARTFORD, one (1) twenty-foot container SAID TO CONTAIN: SPORT PARTS, at the applicable tariff and/or Service Contract rate of \$2,139.00 (Exhibit 2E).

32. Bill of Lading No. 854833617, dated July 23, 2007, from Yantian to Los Angeles on the Vessel KATRINE MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: LEATHER SOFA SETS, at the applicable tariff and/or Service Contract rate of \$1,675.00 (Exhibit 2F).

Amount Due: \$1,675.00

33. Bill of Lading No. 800402014, dated July 9, 2007, from Ningbo to
Charleston on the Vessel MAERSK SHEERNESS, one (1) forty-foot Hi-Cube
SAID TO CONTAIN: WIRE HANGERS, at the applicable tariff and/or Service
Contract rate of \$3,038.00 (Exhibit 2G).

Amount Due: \$3,728.00

34. Bill of Lading No. 80039965, dated August 29, 2007, from Surabaya to Charlotte, NC via Charleston, SC on the Vessel EVER ALLY, one (1) forty-foot HI-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contract rate of \$3,900.00 (Exhibit 2H).

Amount Due: \$3,900.00

35. Bill of Lading No. 800402292, dated July 18, 2007, from Surabaya to Miami on the Vessel MEKONG SPIRIT, one (1) twenty-foot container SAID TO CONTAIN: RATTAN FURNITURE, at the applicable tariff and/or Service Contract rate of \$2,665.74 (Exhibit 21).

CONTAIN: OFFICE CHAIRS, at the applicable tariff and/or Service Contract rate
of \$3,087.84 (Exhibit 2J).

Amount Due: \$3,087.84

37. Bill of Lading No. 523577756, dated July 27, 2007, from Hong Kong to
Charleston, SC on the Vessel MAERSK DANBURY, one (1) twenty-foot Hi-
Cube SAID TO CONTAIN: DIE CAST TOYS AND PACKAGING MATERIAL,
at the applicable tariff and/or Service Contract rate of \$2,289.00 (Exhibit 2K).

Amount Due: \$2,289.00

38. Bill of Lading No. 854882376, dated August 2, 2007, from Yantian to Norfolk on the Vessel MAERSK IOWA, one (1) twenty-foot Hi-Cube SAID TO CONTAIN: SPORT PARTS, at the applicable tariff and/or Service Contract rate of \$2,289.00 (Exhibit 2L).

Amount Due: \$2,289.00

39. Bill of Lading No. 855050926, dated August 23, 2007, from Yantian to Los Angeles on the Vessel SOROE MAERSK, one (1) forty-foot HI-Cube SAID TO CONTAIN: LEATHER SOFA SETS, at the applicable tariff and/or Service Contract rate of \$1,675.00 (Exhibit 2M).

SAID TO CONTAIN: LEATHER SOFA SETS, at the applicable tariff and/or Service Contract rate of \$1,675.00 (Exhibit 2N).

Amount Due: \$1,675.00

41. Bill of Lading No. 570544001, dated October 8, 2007, from Shanghai to Oakland on the Vessel SL COMET, one (1) forty-foot Hi-Cube SAID TO CONTAIN: HOUSEHOLD UPHOLSTERY FURNITURE, at the applicable tariff and/or Service Contract rate of \$1,774.00 (Exhibit 20).

Amount Due: \$1,774.00

42. Bill of Lading No. 855302845, dated October 18, 2007, from Yantian to Los Angeles on the Vessel E.R. FELIXSTOWE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN K.D. FURNITURE, at the applicable tariff and/or Service Contract rate of \$1,640.00 (Exhibit 2P).

Amount Due: \$1,640.00

43. Bill of Lading No. 855438246, dated November 6, 2007, from Yantian to Los Angeles on the Vessel SVENDBORG MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: K.D. WOODEN & METAL FURNITURE, at the applicable tariff and/or Service Contract rate of \$1,675.00 (Exhibit 2Q).

44. Bill of Lading No. 800547857, dated October 17, 2007, from Jakarta to Honolulu on the Vessel SEA NAVIGATOR, two (2) forty-foot Hi-Cubes SAID TO CONTAIN: OUTDOOR PUNEE LOVESEAT, at the applicable tariff and/or Service Contract rate of \$9,775.00 (Exhibit 2R).

Amount Paid: \$9,625.00 Amount Due: \$150.00

Amount Due: \$150.00

45. Bill of Lading No. 855675887, dated December 27, 2007, from Hong Kong to Cleveland via Los Angeles on the Vessel SVEND MAERSK, one (1) forty-foot Hi-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contract rate of \$4,021.00 (Exhibit 2S).

Amount Due: \$4,021.00

46. Bill of Lading No. 570544378, dated January 3, 2008, from Shanghai to Los Angeles on the Vessel SL METEOR, one (1) forty-foot Hi-Cube SAID TO CONTAIN: CANVAS ART, at the applicable tariff and/or Service Contract rate of \$1,774.00 (Exhibit 2T).

Amount Due: \$1,774.00

47. Bill of Lading No. 570544295, dated December 18, 2007, from Shanghai to Norfolk on the Vessel MAERSK DARTFORD, one (1) forty-foot Hi-Cube SAID TO CONTAIN: **UPHOLSTERY RECLINER**, at the applicable tariff and/or Service Contract rate of \$3,137.00 (Exhibit 2U).

48. Bill of Lading No. 524590667, dated January 9, 2008, from Ho Chi Minh City to Los Angeles on the Vessel RIO LAWRENCE, one (1) forty-foot HI-Cube SAID TO CONTAIN: WOODEN FURNITURE, at the applicable tariff and/or Service Contract rate of \$2,100.00 (Exhibit 2V).

Amount Due: \$2,100.00

49. Bill of Lading No. 855693563, dated December 28, 2007, from Hong Kong to Norfolk on the Vessel **MAERSK MATANE**, one (1) twenty-foot Hi-Cube
SAID TO CONTAIN: **KD FURNITURE IN WOOD/METAL**, at the applicable tariff
and/or Service Contract rate of \$2,139.00 (Exhibit 2W).

Amount Due: \$2,139.00

50. Bill of Lading No. 570544321, dated December 20, 2007, from Shanghai to Norfolk on the Vessel MAERSK MATANE, one (1) forty-foot Hi-Cube SAID TO CONTAIN: UPHOLSTERY OTTOMANS, et al., at the applicable tariff and/or Service Contract rate of \$3,137.00 (Exhibit 2X).

III. Total Amount Due: \$180,333.33